

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JFS HOLDINGS, INC., a
Corporation

Plaintiff

vs.

ABESSINIO PROPERTY
MANAGEMENT, INC. a
corporation

Defendant

;
;
;
;
;
;
;

C.A. No. 05-00709-SLR

**PLAINTIFF'S RESPONSE TO DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Plaintiff, JFS Holdings, Inc., by and through its undersigned counsel does hereby respond to Defendant's Motion to Dismiss Plaintiff's Complaint as follows:

1. On September 29, 2005 Plaintiff filed the above captioned Complaint and was proceeding as a "pro-se" Plaintiff.
2. Thereafter, Defendant filed an Answer to Plaintiff's Complaint and subsequently a Motion to Dismiss based on Plaintiff's failure to be represented by counsel.
3. Undersigned counsel was unfamiliar with Local Rule 83.5 and thus is in the process of obtaining local Delaware counsel who will be filing a Motion for

Admission Pro Hac Vice in order to request that undersigned counsel be allowed to continue to represent the Plaintiff in the above captioned matter.

4. Plaintiff submits that retaining local counsel and having them submit the Motion for Admission Pro Hac Vice will render Defendant's Motion to Dismiss moot.

WHEREFORE, Plaintiff, JFS Holdings, Inc., hereby respectfully requests that Defendant's Motion to Dismiss Plaintiff's Complaint be denied.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'B. Sherman', is written over a horizontal line.

Brendan J. Sherman, Esquire
PA Bar #61944
368 Merlin Road
Phoenixville, PA 19460
Counsel for Plaintiff

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ORDER

AND NOW this ____ day of _____ 2005, upon consideration of
Defendant's Motion to Dismiss Plaintiff's Complaint and Plaintiff's response thereto it is
hereby ORDERED that Defendant's Motion to Dismiss is hereby denied.

BY THE COURT

IN THE UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I Brendan J. Sherman hereby certify that a true and correct copy of Plaintiff's
Response to Defendant's Motion to Dismiss Plaintiff's Complaint was served upon the
following this date:

David Matlusky, Esquire
1423 North Harrison Street
Wilmington, DE 19806



Brendan J. Sherman, Esquire
PA Bar #61944
368 Merlin Road
Phoenixville, PA 19460
610 761-3443 (phone)
610 935-4851 (fax)

Dated: December 1, 2005